IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 35 OF 2005.

IN

WRIT PETITION NO. 326 OF 2004.

Save Mumbai from Terrorism ..Petitioners
(Orig.Petitioner No.1)

Vs.

Municipal Corporation of ..Respondents
Greater Bombay & Ors. (Orig.Respondents.)

And.

Abdul Aziz Abdul Sattar
Noble & Ors. ..Contemnors.

Mr. C.D. Mehta i/b. Dhruv Liladhar & Associates for the Petitioner.
Mr. Siddhu Srivastava i/b. D.H. Law Associates for Respondent Nos. 5 & 6.
Mrs. s. Ajitkumar for Respondent NO. 1 to 4.
Mr. Milind More AGP for Respondent No. 5 & 10.
Mr. Raju Moray i/b. Kumana & Co. for Respondent NO. 6 to 9 (Contemnor No. 1 to 4).

CORAM : S.K.Shah, J.
DATE : June 24, 2005.

P.C.:-

1. Heard.

2. There is Order passed by the division bench of

this Court in Writ Petition NO. 326 of 2004, dated 23rd February, 2005 directing the Respondent Nos. 6 to 9 (Contemnor Nos. 1 to 4 herein) to maintain status quo as of that day till the next day of hearing.

3. What is alleged is that this Order has been violated and the construction has been carried out on the suit site of the building in question.

4. It is submitted on behalf of the Contemnors that there was already an agreement between the Alleged Contemnor Nos. 1 and 5. Subsequent to that agreement, some construction was made by the Respondent No.5. The affidavit filed by Respondent NO.5 indicates that the said construction was carried out before 11th March, 2005, on which date the Order passed by the division bench, dated 23rd February, 2005 was served on them and, thereafter, no further construction was carried out by them. It is a matter of fact that the contemnor NO.5 herein was not a party to the said Writ Petition. Therefore, they were not expected to know the Order of Status quo having been passed in the said Writ Petition and after the status quo Order was communicated to Contemnor, there is no violation of the said Order.

4. In view of the above there is no merit in this petition. The Petition, therefore, stands dismissed.

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[S.K.Shah, J.]